

# BAKER & MILLER PLLC

ATTORNEYS AND COUNSELLORS

2401 PENNSYLVANIA AVENUE NW  
SUITE 300  
WASHINGTON DC 20037

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ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)  
E-Mail: [rwmbish@bakerandmiller.com](mailto:rwmbish@bakerandmiller.com)

September 4, 2012

## **BY HAND DELIVERY**

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

**ENTERED**  
**Office of Proceedings**

SEP 4 - 2012

**Part of**  
**Public Record**

Re: *Norfolk Southern Railway Company Abandonment and Discontinuance of Service Exemption – In Lake County, Indiana, and Cook County, Illinois.*  
STB Docket No. AB-290 (Sub-No. 336X)

Dear Ms. Brown:

Pursuant to the Board's abandonment and discontinuance of service class exemption procedures for lines with no local business for at least two years (49 C.F.R. part 1152, subpart F), enclosed are an original and 11 copies of a verified abandonment and discontinuance notice of exemption for the abandonment of and discontinuance of service over contiguous segments of a rail line owned by Norfolk Southern Railway Company.

A check in the amount of \$3,700.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

Sincerely,

**FILED**

SEP 4 - 2012

**SURFACE  
TRANSPORTATION BOARD**

*R. A. Wimbish*

Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

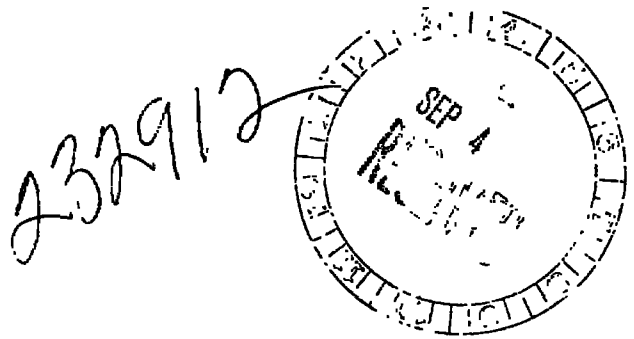
**FEE RECEIVED**

SEP 4 2012

**SURFACE  
TRANSPORTATION BOARD**

Enclosures

cc: Maquiling Parkerson, Marc Kirchner, Kearston Comegys



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**ENTERED  
Office of Proceedings**

**SEP 4 - 2012**

**Part of  
Public Record**

**NORFOLK SOUTHERN RAILWAY COMPANY  
- ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION -  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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**FEE RECEIVED**

**SEP 4 2012**

**SURFACE  
TRANSPORTATION BOARD**

**FILED**  
**SEP 4 - 2012**  
**SURFACE  
TRANSPORTATION BOARD**

**Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7824  
Fax: (202) 663-7849**

**Attorney for Norfolk Southern  
Railway Company**

**September 4, 2012**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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Norfolk Southern Railway Company ("NSR") hereby submits the following notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 6.30 miles of rail line (hereinafter, the "Eastern Line Segment") located in Lake County, Indiana, and Cook County, Illinois, and to discontinue service over (but not to abandon) a contiguous line segment (hereinafter, the "Western Line Segment") approximately 1.2 miles in length located in Cook County, Illinois.<sup>1</sup> The roughly 6.3-mile Eastern Line Segment extends from milepost JH 12.80 (near the Eastern Line Segment's crossing of Eagle Ridge Drive) in Schererville, Indiana, to milepost JH 19.10 (near the Eastern Line Segment's crossing of Cottage Grove Avenue) in Ford Heights, Illinois. The roughly 1.2-mile Western Line Segment extends from milepost JH 19.10 (near Cottage Grove Avenue) in Ford Heights, Illinois, to the end of the line at milepost JH 20.30 (near State Street) in Chicago Heights, Illinois.

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<sup>1</sup> The Eastern Line Segment and the Western Line Segment, which together consist of roughly 7.5 miles of contiguous out-of-service rail line, will be referred to herein, collectively, as the "Line."

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its abandonment and discontinuance of service notice:

**Certification: 49 C.F.R. § 1152.50(b)**

NSR certifies that the Line satisfies the criteria for abandonment and discontinuance of service under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of J.W. Hall, General Manager Northern Region of Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Line, nor have there been any requests for common carrier service.

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The abandonment will be consummated on or after October 24, 2012 (50 days after filing the notice of exemption).

**Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

The subject Line consists of 7.5 miles of the western portion of an east-west-oriented, NSR-owned line of railroad commonly known as the Hartsdale Industrial Track, or "Hartsdale IT." The Line has been out of service for more than two years, but remains an important strategic asset to NSR, and, for this reason, NSR has chosen to retain the Line as an "active" (for legal and regulatory purposes) line of railroad. The relevant portion of the Hartsdale IT runs

parallel to a line of the Elgin, Joliet & Eastern Railway Company ("EJ&E"), a carrier now controlled by Canadian National Railway Company ("CN").

Among the various conditions to its approval of CN's acquisition of control of EJ&E, the Board required the consolidated CN/EJ&E to construct an overpass in Lynwood, Illinois, over U.S. Route 30, a highway that CN/EJ&E's main line and NSR's parallel-running Hartsdale IT cross at-grade today.<sup>2</sup> CN/EJ&E is preparing to construct the subject Route 30 grade separation with the support of the Illinois Department of Transportation ("ILDOT"), but, due to the close proximity of the Hartsdale IT, the grade separation project cannot be completed without NSR's cooperation. Specifically, CN/EJ&E needs to install necessary bridge piers upon what is now NSR's Hartsdale IT track and right-of-way (particularly at Hartsdale IT milepost JH 15.84), but, obviously, to allow for that to happen, NSR would need to abandon the subject rail line.

NSR is amenable to such an abandonment to facilitate CN/EJ&E grade separation construction, and NSR willing to do so quickly in keeping with the schedule that CN/EJ&E and ILLDOT have agreed upon.<sup>3</sup> But abandonment of the intermediate segment of NSR's Hartsdale IT (the above-referenced Eastern Line Segment) would leave the far western portion of that line (the Western Line Segment), which is strategically important to NSR, isolated from the rest of the NSR system absent appropriate accommodation from CN/EJ&E. Under an agreement with CN/EJ&E addressing NSR's concerns, and as consideration for NSR's promise to abandon a portion of its Hartsdale IT, CN/EJ&E has agreed to grant NSR the right to construct a connection switch to the reconfigured CN/EJ&E line at a point roughly adjacent to NSR milepost JH 12.80

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<sup>2</sup> See Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company, \_ S.T.B. \_, STB Docket No. FD 35087 (STB served Dec. 24, 2008).

<sup>3</sup> CN/EJ&E and ILLDOT have requested NSR to act expeditiously in seeking to abandon the Eastern Line Segment in light of the grade separation project schedule.

(the eastern end of the Eastern Line Segment), another connection switch to the CN/EJ&E line at a point roughly adjacent to NSR milepost JH 19.10 (the western end of the Eastern Line Segment and eastern end of the Western Line Segment), and will grant NSR overhead trackage rights between these two switch connections.<sup>4</sup>

Through this arrangement with CN/EJ&E, NSR will have the future ability to access the otherwise isolated Western Line Segment, but that access will come at a significant cost, including installation of the above-mentioned switch connections and making the appropriate legal and operational arrangements for trackage rights operations over the CN/EJ&E line. Because of these substantial costs and the current (and historic) absence of local traffic on the Western Line Segment, NSR has determined that it would be advantageous to secure from the Board authority under the class exemption procedures to discontinue service over (but not to abandon) the Western Line Segment. Should future circumstances materialize to warrant re-activation of the Western Line Segment, NSR would undertake the appropriate regulatory steps before the Board, and would make the necessary arrangements with CN/EJ&E.

Because the subject abandonment and discontinuance undertakings are sought by the same carrier (NSR), stem from the same event (CN/EJ&E construction of the Route 30 grade separation), entail invoking the same STB provision (49 C.F.R. part 1152, subpart F), and involve contiguous segments of the same rail line (the Hartsdale IT), NSR understands that the proposal outlined herein consists of two interrelated elements of a single “transaction” that can and should be accomplished under a single docket.

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<sup>4</sup> The parties to this agreement understand that the arrangement is necessary to protect NSR’s strategic interests, and that NSR does not now operate over the Hartsdale IT. Accordingly, NSR may re-establish access to the Western Line Segment via intermediate trackage rights over CN/EJ&E when and if NSR’s chooses to invoke its rights in order to restore service to customers on the Western Line Segment.

All of the above information is background for the description of relief sought. NSR seeks to abandon approximately 6.30 miles of rail line (the Eastern Line Segment”) located in Lake County, Indiana, and Cook County, Illinois, extending from milepost JH 12.80 (near the Eastern Line Segment’s crossing of Eagle Ridge Drive) in Schererville, Indiana, to milepost JH 19.10 (near the Eastern Line Segment’s crossing of Cottage Grove Avenue) in Ford Heights, Illinois; and to discontinue service over (but not to abandon) a contiguous line segment (the Western Line Segment) approximately 1.2 miles in length located in Cook County, Illinois, extending from milepost JH 19.10 (near Cottage Grove Avenue) in Ford Heights, Illinois, to the end of the line at milepost JH 20.30 (near State Street) in Chicago Heights, Illinois.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line (and distinguishing between the Eastern Line Segment and the Western Line Segment) is attached hereto as Exhibit B.

Applicant’s representative (49 C.F.R. § 1152.22(a)(7)):

NSR’s representative to whom correspondence regarding this abandonment and discontinuance of service proceeding should be sent is as follows:

Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20037  
Tel: (202) 663-7824  
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Eastern Line Segment lies within the following U.S. Postal Service ZIP Code territories: 46375, 46311 and 60411. The Western Line Segment lies within the following U.S. Postal Service ZIP Code territory: 60411.

**Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):**

NSR believes that the Eastern Line Segment is best-suited for one alternative public purpose if abandoned – to serve as land upon which railroad infrastructure may be placed as part of the STB-mandated U.S. Route 30 grade separation that CN/EJ&E is planning to build in Lynwood, Illinois. NSR believes that the Eastern Line Segment would be ill-suited for any other allegedly “public” purpose, which, in any event would thwart grade separation construction. NSR will retain the Western Line Segment, although it will be relieved of its obligation to provide service over that line segment. Accordingly, NSR believes that preservation of the Western Line Segment for the possible future restoration of freight service (as opposed to outright abandonment) best promotes the public interest. In any event, NSR is unaware of any plans targeting the Western Line Segment for alternative public purposes.

The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

**Labor Protection**

Because the Line has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment and discontinuance authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

**Certifications**

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that NSR has complied with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a



certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

**Environmental and Historic Report**

As is reflected in its certification of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a consolidated Environmental and Historic Report ("E&HR") for the Eastern Line Segment,<sup>5</sup> which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR is attached hereto as Attachment 1 to Exhibit D (NSR's § 1105.11 certification).

Respectfully submitted,



Robert A. Wimbish  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7824  
Fax: (202) 663-7849

Attorney for Norfolk Southern Railway Company

September 4, 2012

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<sup>5</sup> NSR seeks to discontinue service over the Western Line Segment, not to abandon it. The STB does not require environmental and historic impact documentation for rail lines over which a carrier seeks only to discontinue service. See, e.g., Progressive Rail, Incorporated – Discontinuance of Service Exemption – in Barron County, Wis., STB Docket No. AB 1101X (STB served Jul. 25, 2012). Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Forsyth County, N.C., STB Docket No. AB 290 (Sub-No. 333X) (STB served Oct. 20, 2011). Accordingly, NSR has in this case prepared an E&HR focusing on the Eastern Line Segment only.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

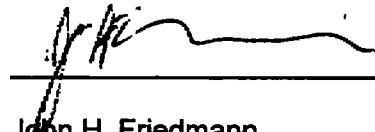
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**VERIFICATION**

**Verification**

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 16<sup>th</sup> day of August, 2012.



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John H. Friedmann  
Vice President

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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**EXHIBIT A**

**CERTIFICATION**

**CERTIFICATION**

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

J.W. Hall makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between Milepost JH 12.80 and Milepost JH 20.30 in Lake County, Indiana and Cook County, Illinois is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

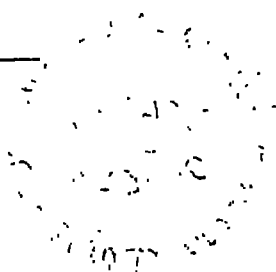
  
\_\_\_\_\_  
J.W. Hall

Subscribed and sworn to before me  
this 16<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Notary Public

My commission expires:

4/20/15



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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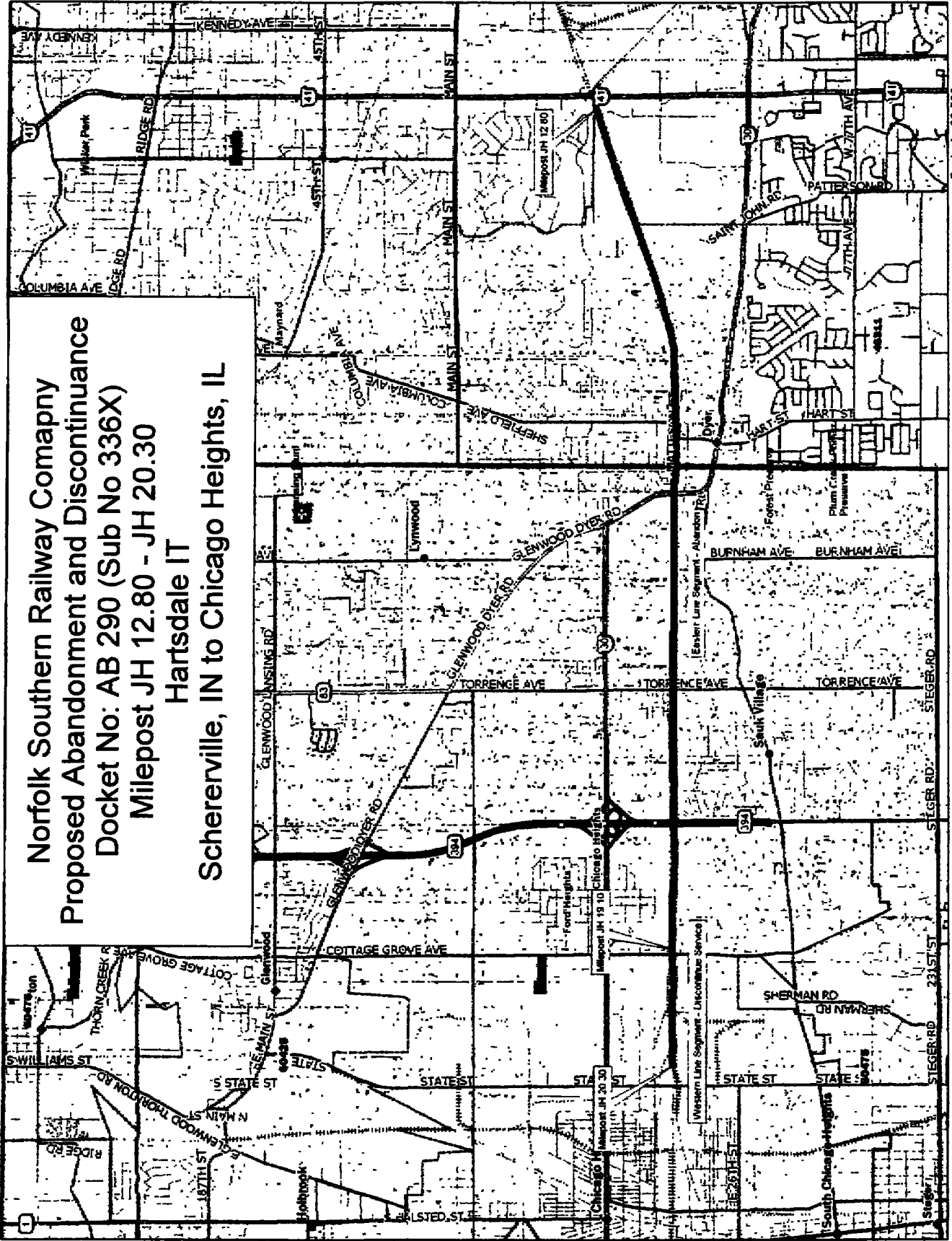
**EXEMPTION NOTICE**

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**EXHIBIT B**

**MAP**

Norfolk Southern Railway Company  
Proposed Abandonment and Discontinuance  
Docket No: AB 290 (Sub No 336X)  
Milepost JH 12.80 - JH 20.30  
Hartsdale IT  
Schererville, IN to Chicago Heights, IL



Data use subject to license.

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www.delorme.com

1" = 5,208.3 ft

Scale 1:62,500

Data Zoom 11-6

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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**EXHIBIT C**

**CERTIFICATIONS OF  
SERVICE/PUBLICATION**



**Certificate of Service of Advance Notice**

**49 C.F.R. § 1152.50(d)(1) – Notice**

I certify that, on August 22, 2012, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to use the Board's notice of exemption procedures to abandon approximately 6.30 miles of rail line located in Lake County, Indiana, and Cook County, Illinois, and to discontinue service over (but not to abandon) a contiguous line segment approximately 1.2 miles in length located in Cook County, Illinois:

**Public Service Commission**

Indiana Utility Regulatory Commission  
PNC Center  
101 West Washington Street  
Suite 1500 E  
Indianapolis, Indiana 46204

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764

Indiana Department of Transportation Railroad Section  
100 N. Senate Avenue 1GC-N, Room N901  
Indianapolis, IN 46204

**Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)**

David Dorfman  
SDDC TEA  
Railroads for National Defense  
709 Ward Dr., Bldg. 1990  
Scott AFB, IL 62225  
(618) 220-5741

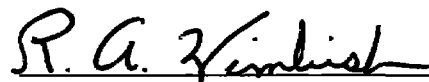
**The National Park Service, Recreation Resources Assistance Division**

Charlie Stockman  
National Park Service  
Rivers & Trails Conservation Program  
1201 Eye Street, NW, 9th Floor (Org. Code 2220)  
Washington, D.C. 20005  
(202) 354-6900

**U.S. Department of Agriculture, Chief of the Forest Service**

Thomas L. Tidwell, Chief  
Forest Service  
U.S. Department of Agriculture  
Sidney R. Yates Federal Building  
201 14th Street SW  
Washington, DC 20024  
(202) 205-8439  
S/W Sandy Berg, Office Manager

September 4, 2012

A handwritten signature in dark ink, appearing to read "R. A. Wimbish", is written over a horizontal line.

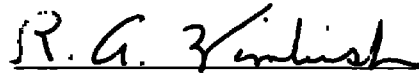
Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

**Certificate of Newspaper Publication**

**49 C.F.R. § 1105.12 – Newspaper Notice**

I certify that a "Notice of Intent to Abandon and to Discontinue Rail Service" was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time in The Times of Northwest Indiana (August 23, 2012), a newspaper of general circulation in Lake County, Indiana, and Cook County, IL.

September 4, 2012



Robert A. Wimbish  
Attorney for Norfolk Southern  
Railway Company

**NOTICE OF INTENT TO  
ABANDON AND TO  
DISCONTINUE RAIL SERVICE**  
STB Docket No. AB-290  
(Sub-No. 336X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about September 4, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 6.3 miles of rail line (hereinafter, the "Eastern Line Segment") located in Lake County, Indiana, and Cook County, Illinois, and to discontinue service over (but not to abandon) a contiguous line segment (hereinafter, the "Western Line Segment") approximately 1.2 miles in length located in Cook County, Illinois. The roughly 5.30-mile Eastern Line Segment extends from milepost JH 12.80 (near the Eastern Line Segment's crossing of Eagle Ridge Drive) in Schererville, Indiana, to milepost JH 19.10 (near the Eastern Line Segment's crossing of Cottage Grove Avenue) in Ford Heights, Illinois, and traverses United States Postal Zip Code territories 46375, 46311 and 60411. The roughly 1.2-mile Western Line Segment extends from milepost JH 19.10 (near Cottage Grove Avenue) in Ford Heights, Illinois, to the end of the line at milepost JH 20.30 (near State Street) in Chicago Heights, Illinois, and traverses United States Postal Zip Code territory 60411. The proceeding will be docketed as STB Docket No. AB-290 (Sub-No. 336X).

The proposed action entails the abandonment of, and discontinuance of rail service over, the Eastern Line Segment, and the discontinuance of service (but not the abandonment) of the Western Line Segment. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA) to cover the abandonment of the Eastern Line Segment, which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0265.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use, to the extent applicable in this case, may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7824; fax 202-663-7849. 8/23 - 20499974

of Accounts

General Form No 99P (Rev. 2009A)

*r & Miller*  
(Governmental Unit)

To: The Times Media Company

601-45th Avenue, Munster, IN 46321

**PUBLISHER'S CLAIM**

(Must not exceed two actual lines, neither of which shall be than four solid lines of the type in which the body of the document is set) -- number of equivalent lines -----

er of lines -----  
er of lines -----  
r of lines -----  
mber of lines in notice -----

**OF CHARGES**

..... columns wide equals *98* equivalent lines at 400

ir line ----- \$ *392.00*

arges for notices containing rule or tabular work (50 per cent

i amount) ----- Online Charge

tra proofs of publication (\$1.00 for each proof in excess \$10.00

AL AMOUNT OF CLAIM ----- \$ *402.00*

**UTING COST**

le column in picas 9p4

Size of type 7.0 point.

sections: *1*

*# 20499974*

the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is that the amount claimed is legally due, after allowing all just credits, and that no part of the same

that the printed matter attached hereto is a true copy, of the same column width and type size, blished in said paper *one(s)* time(s). The dates of publication being as follows:

*August 23, 2012*

the statement checked below is true and correct:

aper does not have a Web site.

aper has a Web site and this public notice was posted on the same day as it was published in newspaper.

aper has a Web site, but due to technical problem or error, public notice was posted on

aper has a Web site but refuses to post the public notice.

Kate Stephens

Title: Legal Clerk

*August 24, 2012*

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No _____	Warrant No _____
IN FAVOR OF	
\$ _____	
ON ACCOUNT OF APPROPRIATION FOR	
The Times Media Company	
601 W. 45th Avenue, Munster, IN 46321	
Appropriation No. _____	
ALLOWED _____	
IN THE SUM OF \$ _____	
_____	
_____	
_____	
_____	
_____	
_____	

I have examined the within claim and hereby certify as follows:

That it is in proper form

That it is duly authenticated as required by law

That it is based upon statutory authority

That it is apparently correct  
incorrect

I certify that the within claim is true and correct, that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

---

**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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**EXHIBIT D**

**CERTIFICATION OF COMPLIANCE  
WITH ENVIRONMENTAL AND  
HISTORIC REPORT REQUIREMENTS**

## **Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 336X) was mailed via first class mail on August 14, 2012 to the following parties

### **Illinois EPA**

Lisa Bonnett, Deputy Director  
Attn: Deirdre McQuillen  
1021 North grand Avenue East  
Mail Code 1  
Springfield, Illinois 62794

Indiana Department of Environmental  
Management  
100 N. Senate Avenue  
Mail Code 50-01  
Indianapolis, IN 46204-2251

US EPA – Region 5  
Ralph Metcalfe federal building  
77 West Jackson Blvd  
Chicago, IL 60604

Illinois Department of Natural Resources  
Office of Water Resources  
2050 W. Stearns Road  
Bartlett, Illinois 60103

John Bacone, Division Director  
Indiana Department of Natural Resources  
Division of Nature Preserves  
Department of Natural Resources  
402 W. Washington, Rm W267  
Indianapolis, IN 46204

Robert Carter, JR., Executive Director  
USDA NRCS  
402 West Washington Street  
Indianapolis, IN 46204

Bernita Clark  
USDA NRCS  
2118 West Park Court  
Champaign, IL 61821

Louise Clemency  
U.S. Fish and Wildlife Service  
Chicago Illinois Field Office  
1250 South Grove, Suite 103  
Barrington, Illinois 60010

Elizabeth McCloskey  
U.S. Fish and Wildlife Service  
P.O. Box 2616  
Chesterton, IN 46304

USACE, Chicago district  
Regulatory Division  
111 North Canal Street, suite 600  
Chicago, IL 60606

Robert Volkmann, Town Manager  
Town of Schererville  
10 East Joliet Street  
Schererville, Indiana 46375

Jeff Dekker, President  
Town of Dyer  
One Town Square  
Dyer, Indiana 46311

Eugene Williams, Mayor  
Village of Lynwood, IL  
21460 Lincoln Highway  
Lynwood, IL 60411

Lewis Towers, Mayor  
Village of Sauk Village  
21801 Torrence Ave  
Sauk Village, IL 60411

Mayor David Gonzalez  
City of Chicago Heights  
1601 Chicago Road  
Chicago Heights, IL 60411

Lake County Commissioners  
2293 North Main Street  
Crown Point, IN 46307

Toni Preckwinkle, President  
Cook County  
118 North Clark Room 537  
Chicago, Illinois 60602

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764

Indiana Department of Transportation  
Bob Alderman, Deputy Commissioner  
315 East Boyd Blvd.  
LaPorte, IN 46350

Anne Haaker, Deputy State Historic  
Preservation Officer Preservation Services  
1 Old State Capitol Plaza  
Springfield, IL 62701

James Glass, Ph.D.  
Indiana DHPA  
402 West Washington Street. W274  
Indianapolis, IN 46204

Michael Reynolds, Regional Director  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

Charlie Stockman  
National Park Service  
Rivers and Trails Conservation Program  
1201 Eye Street, NW 9<sup>th</sup> floor  
Washington D.C. 20005

National Geodetic Survey  
Geodetic Service Division  
Room 9202 NGS/12  
1315 East-West Hwy  
Silver spring, MD 20910-3282

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20004



Marcellus C. Kirchner  
August 14, 2012



**ATTACHMENT 1**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**INCLUDING SAMPLE TRANSMITTAL LETTER**



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-9202

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

August 14, 2012

RE: STB Docket No. AB-290 (Sub-No. 336X), Norfolk Southern Railway Company -  
Abandonment – in Lake County, Indiana and Cook County, Illinois

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,  
395 E Street, S.W., Room 1106  
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at [Kearston.Comegys@nscorp.com](mailto:Kearston.Comegys@nscorp.com), or by mail to:

Ms. Kearston Comegys  
Coordinator-Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a large, stylized initial 'M' and a long, sweeping horizontal stroke extending to the right.

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**STB DOCKET NO. AB-290 (Sub-No. 336X)**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MILEPOST JH 12.80 and MILEPOST JH 19.10  
IN LAKE COUNTY, INDIANA AND COOK COUNTY, ILLINOIS**

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**Combined Environmental and Historic Report**

**August 14, 2012**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub-No. 336X)**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MILEPOST JH 12.80 and MILEPOST JH 19.10  
IN LAKE COUNTY, INDIANA AND COOK COUNTY, ILLINOIS**

---

**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois.

## **ENVIRONMENTAL REPORT**

### **49 CFR 1105.7(e) (1) Proposed Action and Alternatives**

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

**RESPONSE:** Norfolk Southern Railway Company (NSR) proposes to abandon 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois. The line has been out of service for over two years. The purpose of the abandonment is to permit use of a portion of the right-of-way at milepost JH-15.84 at Lynwood, IL for construction of a viaduct providing grade separation between US Route 30 (Lincoln Highway) and the Elgin, Joliet and Eastern Railway Company track, which is adjacent to the NSR line.

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segment typically will be removed.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other

holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroad's letter to federal, state and local government agencies are attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

#### **49 CFR 1105.7(e) (2) Transportation System**

*Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

#### **49 CFR 1105.7(e) (3) Land use**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

RESPONSE: An outline of future land use plans has been requested from the Town of Schererville, Town of Dyer, Village of Lynwood, Village of Sauk, City of Chicago Heights, Lake County, and Cook County. These entities were also asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the response from Lake County is attached in **Appendix C**.

*(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land:*

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service for Indiana and Illinois. A copy of their response indicating there is no impact on prime or important farmland in the project area is attached in **Appendix C**.

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

RESPONSE: Consultation was requested from Indiana Department of Natural Resources, Division of Nature Preserves and Illinois Department of Natural Resources, Office of Water Resources.

*(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

RESPONSE: NSR may not have fee title to the entire right of way underlying the line proposed for abandonment. Moreover, a portion of the right-of-way at milepost JH-15.84 will be used for construction of a bridge for the grade separation project, which will bisect the corridor at that point. Therefore, NSR will not have a contiguous corridor available for public use.

#### **49 CFR 1105.7(e) (4) Energy**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.



*(ii) Describe the effect of the proposed action on recyclable commodities.*

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:*

*(A) 1,000 rail carloads a year, or*

*(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

#### **49 CFR 1105.7(e) (5) Air**

*(i) If the proposed action will result in either:*

*(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*

*(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

*(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles*

annually) or an increase of at least three trains a day on any segment of rail line,  
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity),  
or  
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Lake County, Indiana and Cook County, Illinois are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 1-hr. ozone, 8-hr. ozone and particulate matter.

(iii) *If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

RESPONSE: Not applicable.

#### **49 CFR 1105.7(e) (6) Noise**

*If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

RESPONSE: The above thresholds will not be exceeded.

*(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety.

*(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

#### **49 CFR 1105.7(e) (8) Biological Resources**

*(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. In a response attached in **Appendix C**, the U.S. Fish

and Wildlife Service that the proposed project is not likely to adversely affect endangered, threatened and candidate species.

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

#### **49 CFR 1105.7(e) (9) Water**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Indiana Department of Natural Resources, Illinois Department of Natural Resources, and from the United States Environmental Protection Agency. Illinois Department of Natural Resources stated that the proposed work will be outside the boundaries of the Illinois Coastal Management Plan (ICMP) and will not affect any coastal use or resource of the ICMP, and that Norfolk Southern's proposed project is consistent with the enforceable policies of the ICMP. A copy of the response is attached in **Appendix C**.

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment.

*(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.*

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Indiana Department of Natural Resources and Illinois Department of Natural Resources.

#### **49 CFR 1105.7(e) (10) Proposed Mitigation**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities to assure the abandonment does

not produce adverse environmental impacts.

## **HISTORIC REPORT**

### **49 CFR 1105.8(d)**

#### **PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois. The purpose of the abandonment is to permit use of a portion of the right-of-way at milepost JH-15.84 at Lynwood, IL for construction of a viaduct providing grade separation between US Route 30 (Lincoln Highway) and the Elgin, Joliet and Eastern Railway Company track, which is adjacent to the NSR line.

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segment typically will be removed.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached in **Appendix**

**A.**

**ADDITIONAL INFORMATION**

(1) **U.S.G.S. Topographic Map** – Maps were furnished to Illinois State Historic Preservation Office and Indiana Division of Historic Preservation and Archaeology.

(2) **Written Description of Right of Way** - The right-of-way width ranges from 40 feet to 100 feet along the main track center line. The line passes through suburban residential areas. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – Photographs of the four bridge structures are attached.

(4) **Date of Construction of Structures** – The bridge structures on the line segment proposed for abandonment were built between 1913 and 1928. The construction dates are as follows: the bridge at Milepost JH-13.72 was built in 1925, the bridge at Milepost JH-15.18 was built in 1913, the bridge at Milepost JH-16.53 was built in 1928 and the bridge at Milepost JH-18.96 was built in 1921. No changes have been made to the bridges other than periodic normal maintenance to replace worn components.

(5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the STB is a 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois.

The rail line segment to be abandoned was originally the Joliet and Northern Indiana Railroad, built and in operation by 1855. The line became known as the Joliet Cut-Off Railroad. This portion of the rail was built to avoid the congestion and delay of



transferring freight to and from Chicago, Illinois. Soon after the Joliet Cut-Off was completed the line was leased to Michigan Central Railroad. The Michigan Central Railroad was a carrier of mostly natural resources until the automobile was invented.

In 1890, the Michigan Central Railroad was acquired by New York Central and Hudson River Railroad, but continued to operate as a separate railroad. Over the next several years the New York Central and Hudson River Railroad acquired several smaller rail lines and built numerous bypasses for congested areas, and in 1914 became known as the New York Central Railroad.

After the Second World War several problems plagued the railroad industry including the New York Central (NYC), such as over-regulation and competition from other modes of transportation. NYC ultimately decided to merge with archrival Pennsylvania Railroad (PRR). PRR combined with NYC to form Penn Central Transportation Company (Penn Central) in 1968. The New York, New Haven and Hartford Railroad was joined with Penn Central in 1969. Penn Central was financially unsuccessful, and the company filed for bankruptcy in 1970. To assume control of the Penn Central system's viable rail assets (and those of other Northeastern carriers then in receivership), the U.S. Government formed Consolidated Rail Corporation (Conrail) which commenced operations on April 1, 1976.

In 1999, Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), assumed control of approximately 58% of the Conrail properties, including the subject line. CSX Transportation (CSX) assumed ownership of the remaining share of the Conrail properties.

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - While plans may be

available for the structures of the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

**(7) Opinion Regarding Criteria for Listing in the National Register of Historic Places** – There are four structures on the line or within the APE for this undertaking. NSR believes that neither the structures on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The four structures along the line that are 50 years old or older are bridges that are short in length and of ordinary design and construction. NSR believes that there is nothing distinguishing these bridges from other in the region or on the NSR system generally. In addition, NSR has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

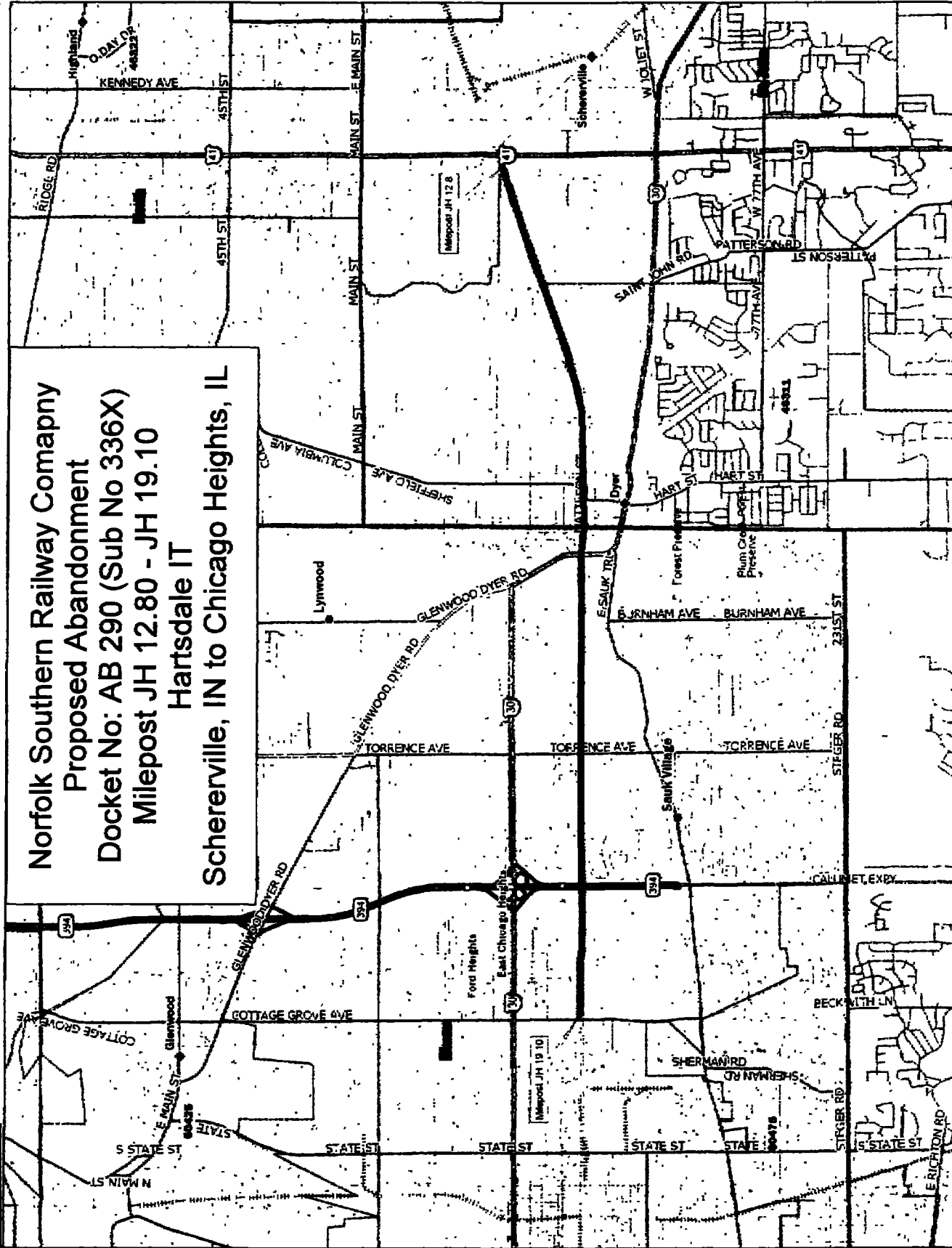
**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery** – The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

**(9) Follow-Up Information** - Additional information will be provided as appropriate.

# **APPENDIX A**

## **Site Map**

**Norfolk Southern Railway Company  
Proposed Abandonment  
Docket No: AB 290 (Sub No 336X)  
Milepost JH 12.80 - JH 19.10  
Hartsdale IT  
Schererville, IN to Chicago Heights, IL**



## **APPENDIX B**

### **Agency Letters**

## RECIPIENT LIST

**Proposed Rail Line Abandonment is 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois.**

### Illinois EPA

Lisa Bonnett, Deputy Director  
Attn: Deirdre McQuillen  
1021 North Grand Avenue East  
Mail Code 1  
Springfield, Illinois 62794

Indiana Department of Environmental  
Management  
100 N. Senate Avenue  
Mail Code 50-01  
Indianapolis, IN 46204-2251

US EPA – Region 5  
Ralph Metcalfe federal building  
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Office of Water Resources  
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Chicago Illinois Field Office  
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Elizabeth McCloskey  
U.S. Fish and Wildlife Service  
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USACE, Chicago district  
Regulatory Division  
111 North Canal Street, suite 600  
Chicago, IL 60606

Robert Volkmann, Town Manager  
Town of Schererville  
10 East Joliet Street  
Schererville, Indiana 46375

Jeff Dekker, President  
Town of Dyer  
One Town Square  
Dyer, Indiana 46311

Eugene Williams, Mayor  
Village of Lynwood, IL  
21460 Lincoln Highway  
Lynwood, IL 60411

Lewis Towers, Mayor  
Village of Sauk Village  
21801 Torrence Ave  
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Mayor David Gonzalez  
City of Chicago Heights  
1601 Chicago Road  
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Lake County Commissioners  
2293 North Main Street  
Crown Point, IN 46307

Toni Preckwinkle, President  
Cook County  
118 North Clark Room 537  
Chicago, Illinois 60602

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2300 S. Dirksen Parkway  
Springfield, IL 62764

Indiana Department of Transportation  
Bob Alderman, Deputy Commissioner  
315 East Boyd Blvd.  
LaPorte, IN 46350

Anne Haaker, Deputy State Historic  
Preservation Officer Preservation Services  
1 Old State Capitol Plaza  
Springfield, IL 62701

James Glass, Ph.D.  
Indiana DHPA  
402 West Washington Street. W274  
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Michael Reynolds, Regional Director  
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Midwest Region  
601 Riverfront Drive  
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Charlie Stockman  
National Park Service  
Rivers and Trails Conservation Program  
1201 Eye Street, NW 9<sup>th</sup> floor  
Washington D.C. 20005

National Geodetic Survey  
Geodetic Service Division  
Room 9202 NGS/12  
1315 East-West Hwy  
Silver spring, MD 20910-3282

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20004

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

August 14, 2012

RE: STB Docket No. AB-290 (Sub-No. 336X), Norfolk Southern Railway Company -  
Abandonment – in Lake County, Indiana and Cook County, Illinois

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The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,  
395 E Street, S.W., Room 1106  
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at [Kearston.Comegys@nscorp.com](mailto:Kearston.Comegys@nscorp.com), or by mail to:



**Ms. Kearston Comegys  
Coordinator-Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510**

**Sincerely,**

**Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company**

## **APPENDIX C**

### **Agency Responses**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

JUL 13 2012

Mr. Marcellus C. Kirchner  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-9202

RE: Norfolk Southern Abandonment in Cook County

Dear Mr. Kirchner:

Thank you for the opportunity to review and comment on the plans for Norfolk Southern to abandon rail line in Cook County.

The Agency has no objections to the project; however if there are grading or excavation activities that disturb one acre or more during the abandonment of the rail lines, a construction site activity stormwater NPDES permit is required from our Division of Water Pollution Control. You may contact Al Keller 217-782-0610 with questions.

In addition, solid and hazardous waste must be properly disposed of or recycled.

Sincerely,

A handwritten signature in black ink that reads "Lisa Bonnett". The signature is fluid and cursive, with the first name "Lisa" and last name "Bonnett" clearly distinguishable.

Lisa Bonnett  
Deputy Director



## Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle Street, Suite S-700  
Chicago, IL 60601 Phone: 312/793-3123 Fax: 312/793-5968

July 31, 2012

Ms. Kearston Comegys  
Coordinator Abandonments  
Strategic Planning, 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

RE: Illinois Coastal Management Plan Federal Consistency Determination

Dear Ms. Comegys:

In a letter dated July 2, 2012 Norfolk Southern stated they are considering the abandonment of 6.30 miles of rail line between Milepost JH 12.80 and Milepost JH 19.10 in Lake County, Indiana and Cook County, Illinois and are requesting an Illinois Coastal Management Plan (ICMP), Federal Consistency Determination. I have reviewed your request and have determined that since the proposed work will be outside the boundaries of the ICMP and will not affect any coastal use or resource of the ICMP, Norfolk Southern's proposed project is consistent with the enforceable policies of the Illinois Coastal Management Program.

If you have any questions, feel free to contact me at (312) 793-5947 or [james.casey@illinois.gov](mailto:james.casey@illinois.gov).

Sincerely,

James P. Casey  
ICMP Federal Consistency Coordinator

Office of the Attorney  
to the  
Board of Commissioners

2293 N. Main St. • Crown Point, IN 46307  
219-755-3058 ~ Fax 219-648-6138

**TO:** Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-9202

**From:** John Dull  
Commissioners' Attorney

**Date:** July 10, 2012

**CC:**

**RE:** Docket No. AB-290 (Sub-N0 336X)

I am responding on behalf of the Board of Commissioners and the Lake County Plan Commission. Our jurisdictional area covers only the unincorporated area. Our plan for development does not cover the area encompassed by your proposed abandonment. Since according to your attachment, that is in the incorporated are in the Town of Schererville or the Town of Dyer.

Sincerely,

John S. Dull  
Attorney at Law

JSD/rmk



## United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)  
620 South Walker Street  
Bloomington, IN 47403-2121  
Phone: (812) 334-4261 Fax: (812) 334-4273

August 2, 2012

Ms. Kearston Comegys  
Coordinator of Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

Docket No.: AB 290 (Sub. No. 336X)  
Project: Norfolk Southern Railway Company Abandonment of 6.30 miles of Rail Line  
Location: Schererville and Dyer, Lake County, Indiana and Sauk Village, Linwood, and Ford Heights, Cook County, Illinois

Dear Ms. Comegys:

This responds to your letter dated July 2, 2012, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposal involves the abandonment of 6.30 miles of track between Mileposts JH 12.8 and JH 19.1, which is between US 41 in Schererville and Cottage Grove Avenue in Ford Heights. The track is a single line on the north side of the double EJ&E Railroad tracks. Land use along the track is urban, with a mix of residential, commercial, and industrial, with several active crop fields remaining among these developments.

There are protected wetlands along Schererville and Dyer Ditches in Schererville south of the EJ&E tracks, but they would not be impacted by the proposed track removal. Four streams are crossed by the tracks, Dyer Ditch and Hart Ditch in Indiana and Deer Creek and an unnamed ditch in Illinois; these streams should not be adversely affected by the proposed bridge removals.

There are no National or State wildlife sanctuaries, refuges, parks, or forests adjacent to the track right-of-way, with the closest preserves being Hoosier Prairie State Nature Preserve within a half-mile east of MP 12.8 and Plum Creek Forest Preserve being a mile south of the track on the Illinois side of the state line. We are not aware of any local parks adjacent to the right-of-way.

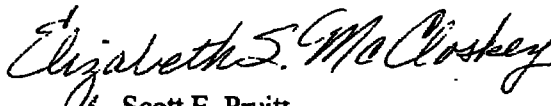
#### ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and Karner blue butterfly (*Lycaeides melissa samuelis*) and the threatened Pitcher's thistle (*Cirsium pitcheri*) and Mead's milkweed (*Asclepias meadii*) in Lake County, Indiana, and the endangered piping plover (*Charadrius melodus*), Hine's emerald dragonfly (*Somatochlora hineana*), and leafy-prairie clover (*Dalea foliosa*), the threatened eastern prairie fringed orchid (*Platanthera leucophaea*), Mead's milkweed, and Prairie bush clover (*Lespedeza leptostachya*), and the candidate eastern massasauga rattlesnake in Cook County, Illinois. However, there is no known habitat, and no designated Critical Habitat, for any of these species within the proposed project area, so we concur with your determination that the proposed project is not likely to adversely affect these endangered, threatened, and candidate species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change, please recoordinate with our office as soon as possible. If you have any questions, please contact Elizabeth McCloskey at (219) 983-9753 or [elizabeth\\_mccloskey@fws.gov](mailto:elizabeth_mccloskey@fws.gov).

Sincerely yours,

  
for Scott E. Pruitt  
Supervisor

cc: Christie Stanifer, Environmental Coordinator, Division of Water, Indianapolis, IN  
Shawn Cirton, USFWS, Chicago Field Office, Barrington, IL

United States Department of Agriculture



Natural Resources Conservation Service  
2118 West Park Court  
Champaign, IL 61821  
Phone: 217/353-6600  
Fax: 217/353-6676

July 23, 2012

Kearston Comegys, Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk VA 23510

RE: Prime Agricultural Land Impact Assessment, Docket No. AB-290 (Sub-No. 336X) –  
Abandonment – in Lake County, Indiana and Cook County, Illinois

Dear Mr./Ms. Comegys:

We have reviewed the proposed project as requested.

The proposed track abandonment would be confined to an existing rail corridor. It will have no impact on prime or important farmlands.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ivan N. Dozier", is written over the typed name.

ACTING FOR  
IVAN N. DOZIER  
State Conservationist

cc:

Don McCallon, ASTC, USDA-NRCS, 3605 N. IL Route 47, Suite C. Morris, Illinois 60450  
Randy Edwards, DC, USDA-NRCS 1201 S. Gougar Road, New Lenox, Illinois 60451  
Gary Struben, State Soil Scientist, USDA-NRCS, 2118 W. Park Court, Champaign, Illinois 61821

TP: Norfolk\_Southern\_abandonment\_lake\_in\_cook\_il.docx





**ATTACHMENT 2**  
**CONSULTING AGENCY RESPONSES TO**  
**ENVIRONMENTAL AND HISTORIC REPORT**  
**(POST-CIRCULATION)**



**Illinois Historic  
Preservation Agency**

**FAX (217) 782-8161**

**1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • [www.illinois-history.gov](http://www.illinois-history.gov)**

**Cook County**

**Schererville, IN to Chicago Heights**

**Railway Abandonment**

**Milepost JH 12.80 in Schererville, IN to Milepost JH 19.10 in Chicago Heights**

**STB-AB-290 (Sub-No. 336X)**

**IHPA Log #014081712**

**August 30, 2012**

**Kearston Comegys**

**Norfolk Southern Corporatin**

**Strategic Planning Department**

**Three Commercial Pl.**

**Norfolk, VA 23510**

**Dear Ms. Comegys:**

We have reviewed the documentation submitted for the referenced project in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you have any further questions, please contact me at 217/785-5027.

Sincerely,

*Anne E. Haaker*

**Anne E. Haaker**

**Deputy State Historic**

**Preservation Officer**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-290 (Sub-No. 336X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –  
IN LAKE COUNTY, INDIANA, AND COOK COUNTY, IL**

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**EXEMPTION NOTICE**

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**DRAFT NOTICE OF EXEMPTION  
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 336X)]

Norfolk Southern Railway Company – Abandonment and Discontinuance of Service Exemption  
– In Lake County, Indiana, and Cook County, Illinois

Norfolk Southern Railway Company (NSR) has filed on September 4, 2012, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 6.30 miles of rail line (hereinafter, the “Eastern Line Segment”) located in Lake County, Indiana, and Cook County, Illinois, and to discontinue service over (but not to abandon) a contiguous line segment (hereinafter, the “Western Line Segment”) approximately 1.2 miles in length located in Cook County, Illinois.<sup>1</sup> The roughly 6.30-mile Eastern Line Segment extends from milepost JH 12.80 (near the Eastern Line Segment’s crossing of Eagle Ridge Drive) in Schererville, Indiana, to milepost JH 19.10 (near the Eastern Line Segment’s crossing of Cottage Grove Avenue) in Ford Heights, Illinois, and traverses United States Postal Zip Code territories 46375, 46311 and 60411. The roughly 1.2-mile Western Line Segment extends from milepost JH 19.10 (near Cottage Grove Avenue) in Ford Heights, Illinois, to the end of the line at milepost JH 20.30 (near State Street) in Chicago Heights, Illinois, and traverses United States Postal Zip Code territory 60411.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user)

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<sup>1</sup> Collectively, the Eastern Line Segment and the Western Line Segment, which are contiguous segments of an NSR-owned rail line commonly known as the Hartsdale Industrial Track, will be referred to herein as the “Line.”

regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court, or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 24, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by \_\_\_\_\_.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by \_\_\_\_\_, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

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<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

<sup>4</sup> Because NSR seeks only to discontinue service over, and not to abandon, the Western Line Segment, trail use/rail banking and public use conditions are not appropriate for that line segment. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 1105.8 for the Western Line Segment.

A copy of any petition filed with the Board should be sent to NSR's representative:  
Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300,  
Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment of the Eastern Line Segment on the environment and historic resources. OEA will issue an environmental assessment (EA) by \_\_\_\_\_. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA, at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, if and where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and has fully abandoned the Eastern Line Segment. If consummation has not been effected by NSR's filing of a notice of consummation by October 24, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon the Eastern Line Segment will automatically expire.

Board decisions and notices are available on our website at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: \_\_\_\_\_.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.